

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 200 OF 2012 IN SLP(C) 15139/2012

DR. (MRS.) B.R. AGRAWAL Petitioner(s)

VERSUS

C.K. ARORA & ORS. Respondent(s)

Date: 03/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Pallav Shishodia, Sr. Adv.
Mr. Manoj K. Mishra, Adv.
Mr. V.K. Mishra, Adv.For Respondent(s) Mr. Arvind Verma, Sr. Adv.
Mr. C.D. Singh, Adv.
Mr. Samir Ali Khan, Adv.
Mr. Prashant Chaudhry, Adv.
Ms. Ayesha Chaudhry, Adv.Mr. S.D. Singh, Adv.
Ms. Bharti Tyagi, Adv.

Mr. Nikhil Nayyar, Adv.

UPON hearing counsel the Court made the following
O R D E R

This Court has vide Order dated 10.05.2012 stayed the operation of the impugned order whereby selection of petitioner - Dr. (Mrs.) B.R. Agrawal, as Principal, was quashed together with the selection of several other principals similarly selected by the UP Higher Education Service Commission. The petitioner has now filed the present contempt petition in which it is inter alia pointed out that despite the said order, the Management has not allowed the petitioner to continue as Principal, on the ground that her services were terminated before the issue of the stay order dated 10.05.2012.

Our attention, in the course of hearing, was drawn by learned counsel for the petitioner to the orders issued by the Director, Higher Education, Govt. of UP, instructing the Management of the Juhari Devi Girls Post Graduate College, Canal Road, Kanpur to re-instate the petitioner in service. Copies of the said orders have been placed on record by the Director, along with counter affidavit filed by him. It is submitted by learned counsel for the petitioner that despite the order of this Court staying the operation of the Judgment passed by the High Court and despite directions issued to it by the Director, Higher Education, Govt. of UP, the Management of the Juhari Devi Girls Post Graduate College has not reinstated the petitioner. Counsel appearing for the Management, however, submits that since order of this

Court did not direct reinstatement of principals whose service may have been terminated before 10.05.2012, the Management thought that in the absence of a direction from the Court there was no occasion for it to reinstate the petitioner.

We are told by learned counsel for the parties that all other similarly situate principals, affected by the impugned Judgment, are continuing in the service of their respective institutions. In the circumstances, we see no reason why the petitioner should be singled out for a different treatment especially when the impugned judgment proceeds on a ground common to all. As a matter of fact, with the direction issued by the Director, respondent No. 2 in this petition, the Management should have taken immediately steps to reinstate the petitioner.

Be that as it may, we do not propose to take any further action against the Management at this state, we simply direct the Management to comply with the directions issued to it by the Director, Higher Education, Govt. of U.P., and reinstate the petitioner as Principal within ten days from today. The contempt petition is with above direction disposed of.

| (N.K. Goel)
| Court Master

| | (Veena Khera)
| | Court Master

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